

Atty. Dkt. 7404-602

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Frank A. Chan) Before the Examiner
Serial No.)
Filed: March 25, 2004)
PULSATING EXPRESSION CAP)

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above in an envelope addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 (Express Mail No. EV 432598229 US) on:

March 25, 2004

(Date of Deposit)

Elizabeth A. Shuster

Name of Registered Representative

Elizabeth A. Shuster

Signature

March 25, 2004

Date of Signature

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of the references listed on attached form PTO-1449 (PTO/SB08A&B) and/or the additional information identified below in paragraph 4. A legible copy of each reference listed on form PTO-1449 is enclosed, except:

[] a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. _____ and/or

[X] a copy of each U.S. patent and/or U.S. patent application publication is not provided because the present application has been filed or entered the national stage after June 30, 2003 and the Patent Office has waived the requirements of 37 CFR 1.98 (a)(2)(i) for submitting such documents in applications filed or nationalized after June 30, 2003.

1a. [X] This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application (other than a continued prosecution application), or

before the mailing date of the first Office Action on the merits,

and thus no certification and/or fee is required.

- 1b. [] This Information Disclosure Statement is submitted after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus:
- (1) [] the certification of paragraph 2 below is provided, **or**
 - (2) [] a fee of \$_____ (set forth in 37 CFR §1.17(p)) is enclosed.
- 1c. [] This Information Disclosure Statement is submitted after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:
- (1) [] **the certification of paragraph 2 below is provided, and a fee of \$_____ (set forth in 37 CFR §1.17(p)) is enclosed; or**
 - (2) [] a Request for Continued Examination (RCE) has been filed.
2. It is hereby certified
- a. [] that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement, or
 - b. [X] that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.
 - c. [] A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.
3. [] A copy of a Search Report or Written Opinion from a foreign patent office is enclosed.
4. [] Consideration of the following additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.
5. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. [] an English language translation submitted herewith,
 - b. [] a foreign patent office search report (in the English language) submitted herewith,
 - c. [] an English language translation of a foreign patent office search report submitted herewith,

Information Disclosure Statement

Serial No.

Group Art Unit

Attorney Docket No. 7404-602

Page 2 of 3

- d. [] the concise explanation contained in the specification of the present application at page^s _____,
- e. [] the concise explanation set forth in the attached English language abstract,
- f. [] a copy of a related patent publication (in the English language) submitted herewith,
- g. [] the concise explanation set forth below:

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b). It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

Elizabeth A. Shuster

Elizabeth A. Shuster, Reg. No. 52,672
Woodard, Emhardt, Moriarty, McNett &
Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

007404-000602.ESHUSTER.271798

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	
				Filing Date	March 25, 2004
				First Named Inventor	CHAN, Frank A.
				Group Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	7404-602

U.S. PATENT DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.